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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(Docket No. 402200)

In re the Application of: ) Customer No. 27717  
William R. Wells et al. )  
Serial No.: 09/491,899 ) Art Unit: 2165 OK TO ENTER: /CT/  
Filed: January 27, 2000 ) Examiner: Mahmoudi 06/28/2010  
For: GAMING TERMINAL AND SYSTEM )  
WITH BIOMETRIC IDENTIFICATION )  
  
TO: MAIL STOP: Appeal Brief-Patent  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**AMENDMENT TO CANCEL CLAIMS PURSUANT TO 37 C.F.R. § 41.33(b)(1)**

Pursuant to 37 C.F.R. § 41.33(b)(1), applicants hereby cancel claims 1, 2, 3, 5, 6, 27 and 29, in order to more clearly distinguish applicants' invention from the prior art. This cancellation does not affect the scope of any other pending claim in this appeal.

A current listing of the claims follows on page 3.

Respectfully submitted,  
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## LISTING OF CLAIMS

1. – 7. (Cancelled)

8. (Previously Presented) A gaming method for a gaming apparatus to be played by a player comprising:

storing first biometric data for a player in a portable biometric smart card carried by the player, which smart card is carried by the player separate from the gaming apparatus, storing financial account information for the player in said smart card, and also storing personal preference data for said player in said smart card;

providing a gaming terminal;

coupling a reader to said gaming terminal, configured for playing at least a first game, wherein said reader receives said first biometric data stored on said smart card;

measuring biometric data of said player to provide measured biometric data; and

comparing said measured biometric data to said biometric data stored on said smart card; and if there is a match, outputting an authorization allowing the player to access his or her account and/or use a cash balance on the smart card to play the gaming device.

9. (Previously Presented) A method as claimed in Claim 8, wherein:

said step of storing includes storing in a smart card having a thickness less than about 0.05 inches.

10. (Previously Presented) A method as claimed in Claim 9, wherein:

said card includes a microprocessor.

11. (Cancelled)

12. (Previously Presented) A method as claimed in Claim 8, further comprising:

storing, on said portable biometric smart card, a current account balance for an account established for said first user.

13. (Previously Presented) A method as claimed in Claim 8, wherein:

said step of measuring includes a step selected from among:

- scanning a thumb print;
- scanning a fingerprint;
- scanning a retina;
- scanning an iris;
- scanning an ear;
- sensing voice data; or
- scanning a face.

14. – 23. (Cancelled).

24. (Previously Presented) A gaming method for a gaming apparatus to be played by a player, comprising:

storing first biometric data for a player in a portable biometric smart card carried by the player, which smart card is carried by the player separate from the gaming apparatus wherein said smart card also stores personal preference data for said player;

providing a gaming terminal;

coupling a reader to said gaming terminal, configured for playing at least a first game, and reading said biometric data stored on said card;

measuring biometric data of a player to provide measured biometric data;

comparing said measured biometric data to said biometric data stored on said smart card, and if there is a match, outputting an authorization allowing the player to

access his or her account and/or use an account balance on the smart card to play the gaming apparatus;

reading from the same smart card a current account balance for an account established for said player; and

debiting an amount from said current account balance on said smart card as a fee for playing said game, and establishing a new current account balance on said smart card.

25. (Previously Presented) The method of claim 24 in which said card has a thickness of less than about one quarter inch.

26. (Previously Presented) The method as claimed in claim 24 wherein: said step of measuring includes a step selected from among:

scanning a thumb print;

scanning a fingerprint;

scanning a retina;

scanning an iris;

scanning an ear;

sensing voice data; or

scanning a face.

27. (Cancelled)

28. (Previously Presented) The gaming method of claim 8 in which the player's winnings from said gaming method are credited to a current account balance of said smart card.

29. (Cancelled)

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Registered Attorney for Applicant  
Date: Aug. 12, 2009